



*DA 2/11/05*

989.1032

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: Vu, Kieu D. Group Art Unit: 2173

Re: Application of: Hannu PAUNONEN

Serial No.: 09/874,459 Confirmation No.: 5801

Filed: June 5, 2001 Docket No.: 989.1032

For: A METHOD IN A PROCESS CONTROL  
SYSTEM AND A PROCESS CONTROL  
SYSTEM

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**UNDER 37 CFR §1.181(a)**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 26, 2005

Dear Sir:

Applicant hereby requests consideration on the merits of this Petition to Withdraw

Holding of Abandonment Under 37 CFR 1.181(a) and in support thereof shows the following:

1. A Notice of Abandonment dated April 19, 2005 was received by Applicant's attorney on April 20, 2005. A copy of the Notice of Abandonment is enclosed herewith. According to the Notice of Abandonment, Applicant failed to file a timely reply to the Office communication mailed on June 28, 2004. However, Applicant's attorney hereby advises that Applicant filed a timely response to the Final Office Action mailed on June 30, 2004.

I hereby certify that this correspondence and/or fee is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on April 26, 2005.

STEINBERG & RASKIN, P.C.  
By: *Garnette M. Pherson*

Please note the Notice of Abandonment recites that the Final Office Action was mailed on June 28, 2004, however the Final Office Action was mailed on June 30, 2004.

2. Applicant's attorney submitted a Response to Final Office Action on November 1, 2004 including an Amendment and a Petition for a One-Month Extension of Time. Each submission included a Certificate of Mailing certifying that the documents were being deposited with the U.S. Postal Service as first class mail in an envelope addressed to the Commissioner for Patents on November 1, 1004. The Amendment was noted with the correct Serial No. 09/874,459. However, the Petition for a One-Month Extension of Time was inadvertently noted with Serial No. 10/874,459 instead of the correct Serial No. 09/874,459. A copy of the submissions are submitted herewith.

3. Applicant's attorney submits that the Response to Final Office Action was received by the USPTO on November 4, 2004. A copy of a return-receipt postcard submitted with the submissions setting forth the November 1, 2004 mailing date and stamped by the PTO with a November 4, 2004 received date is enclosed herewith. Please note that the return-receipt postcard was inadvertently noted with Serial No. 10/874,459 instead of the correct Serial No. 09/874,459.

4. On November 17, 2004, the Applicant's attorney timely submitted a Request for Continued Examination (RCE) along with a Petition for a Two-Month Extension of Time, extending the due date for a response to November 30, 2004. However, the RCE and the Petition for a Two-Month Extension of Time were inadvertently noted with Serial No. 10/874,459 instead of the correct Serial No. 09/874,459. A copy of the submissions are submitted herewith.

5. Applicant's attorney submits that the RCE and Petition for a Two-Month Extension of Time was received by the USPTO on November 22, 2004. A copy of a return-receipt postcard submitted with the submissions setting forth the November 17, 2004 mailing date and stamped by the PTO with a November 22, 2004 received date is enclosed herewith. Please note that the return-receipt postcard was inadvertently noted with Serial No. 10/874,459 instead of the correct Serial No. 09/874,459.

6. Applicant's attorney received an Advisory Action sent from the PTO on January 4, 2005. A copy of the Advisory Action is enclosed herewith.

7. On January 12, 2005, Examiner Kieu D. Vu called Applicant's attorney to determine the status of the application and whether the application was abandoned. Applicant's attorney notified Examiner Vu that a Response to Final Office Action and RCE was filed November 1, 2004 and November 17, 2004, respectively. Examiner Vu spoke with her Supervisory Patent

Examiner and advised that Applicant's attorney submit a Petition to Accept Paper as Timely Filed along with a copy of the RCE requesting that the RCE be accepted as timely filed since there was no record of the RCE being processed by the PTO.

8. Applicant's attorney submits that the Petition to Accept Paper as Timely Filed along with a copy of the Response to Final Office Action, RCE, and Petitions for Extension of Time was filed on January 13, 2005 and received by the USPTO on January 18, 2005. A copy of the Petition to Accept Paper as Timely Filed and a return-receipt postcard submitted with the submissions setting forth the January 13, 2005 mailing date and stamped by the PTO with a January 18, 2005 received date is enclosed herewith. Please note that the Petition to Accept Paper as Timely Filed and the return-receipt postcard were inadvertently noted with Serial No. 10/874,459 instead of the correct Serial No. 09/874,459.

9. Applicant's attorney submits that the Response to Final Office Action (including the Amendment and the Petition for a One-Month Extension of Time), RCE, Petition for a Two-Month Extension of Time, Petition to Accept Paper as Timely Filed were timely filed and sufficient to withdraw the holding of abandonment. Applicant's attorney submits that the documents would have been processed if the correct Serial No. 09/874,459 had been noted on the documents.

10. Applicant's attorney further submits that this Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a) is being timely filed within two months of the mailing date of the Notice of Abandonment as required under 37 CFR 1.181(f).

Conclusion

In view of the foregoing facts, the withholding of abandonment should be withdrawn and the Response to Final Office Action and RCE filed with the USPTO for the above-identified application should be processed.

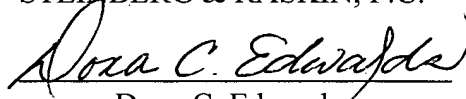
Kindly telephone the undersigned if any additional information or materials are required. Please return the enclosed postcard to indicate your receipt of the above-referenced materials.

Applicant's Attorney hereby asserts that this petition is timely and it is believed that a fee is not required with this communication. In the event any fee is required for this petition, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 500518. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STEINBERG & RASKIN, P.C.

By:

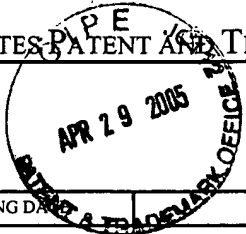
  
Dona C. Edwards  
Reg. No. 42,507

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# UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/874,459      | 06/05/2001  | Hannu Paunonen       | 989.1032            | 5801             |

21831 7590 04/19/2005

STEINBERG & RASKIN, P.C.  
1140 AVENUE OF THE AMERICAS, 15th FLOOR  
NEW YORK, NY 10036-5803

EXAMINER

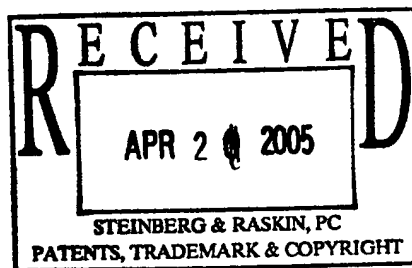
VU, KIEU D

ART UNIT PAPER NUMBER

2173

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.





# **Notice of Abandonment**

Application No.

09/874,459

Examiner

Kieu D Vu

Applicant(s)

PAUNONEN, HANNU

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 28 June 2004.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Applicant Representative Dona Edwards has confirmed that replies had been filed in response to the Office Action, but record shows that no reply had been matched with the Application.

  
JOHN CABECA

SUPERVISORY PATENT EXAMINER  
ENTER 2100

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Our Ref.: 989.1032

dce

November 1, 2004

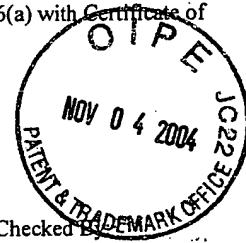
Re: U.S. Patent Application  
Serial No.: 10/874,459  
Applicant: Hannu PAUNONEN  
Title: A METHOD IN A PROCESS CONTROL SYSTEM...

- Amendment with Certificate of Mailing (13 pages)
- Petition for Extension of Time Under 37 CFR 1.136(a) with Certificate of Mailing (1 page, in duplicate)
- Check No. 6819 for \$110.00

Mail Stop AMENDMENT

Envelope: First Class Mail

Due Date: November 1, 2004



Checked by

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: Vu, Kieu D..

Group Art Unit: 5801

Re: Application of: Hannu PAUNONEN  
Serial No.: 10/874,459  
Filed: June 5, 2001  
For: A METHOD IN A PROCESS CONTROL SYSTEM  
AND A PROCESS CONTROL SYSTEM  
Confirmation No.: 5801

**PETITION FOR AN EXTENSION OF TIME UNDER 37 CFR §1.136(a)**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450


November 1, 2004

Dear Sir:

Applicant hereby petitions the Commissioner for Patents to extend the time for filing a response to the Office Action dated September 30, 2004 for one month from September 30, 2004 to November 1, 2004.

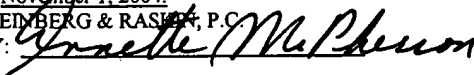
The extension fee of \$110.00 is submitted herewith. The Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 500518. A duplicate copy of this letter is enclosed.

Respectfully submitted,

By:   
Dona C. Edwards  
Reg. No. 42,507

Steinberg & Raskin, P.C.  
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I hereby certify that this correspondence and/or fee is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on November 1, 2004.

STEINBERG & RASKIN, P.C.  
BY: 

Appl. No. 09/874,459  
Amdt. dated November 1, 2004  
Reply to Office Action of June 30, 2004

989.1032

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl./Serial No.: 09/874,459 Confirmation No. 5801  
Application of: Hannu PAUNONEN  
Filed: June 5, 2001  
TC/A.U.: 5801  
Examiner: Vu, Kieu D.  
Docket No.: 989.1032  
For: **A METHOD IN A PROCESS CONTROL  
SYSTEM AND A PROCESS CONTROL  
SYSTEM**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 1, 2004

**AMENDMENT**

Sir:

In response to the Office Action dated June 30, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.

I hereby certify that this correspondence and/or fee is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on November 1, 2004.

STEINBERG & RASKIN, P.C.

BY: 

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A method of controlling a process in a process control system, in which a terminal is provided for displaying symbols illustrating process elements and information about the status of the process, being related to the process elements in the an operating environment of the process, the method comprising the steps of:

providing, on said terminal, a process graphic diagram for illustrating the process by symbols representing one or more process elements and information about the status of the process;

selecting a part of the process graphic diagram; and

providing, on said terminal, a dimensionally changeable graphic image, which is a virtual image corresponding to a 3-dimensional view of at least one of the one or more process elements, for modeling and which is a model of a real field environment portion of the process elements in ~~correspondence~~ corresponding to the selected part of the process graphic diagram, the graphic image being allotted to a process element and showing the location of the process element in the model of the real field environment portion of the process elements, wherein the graphic image is displayed in the operating environment of the process control system when the process is running.

2. (Previously Presented) The method according to claim 1, wherein the graphic image is displayed by activating with an input device of the terminal a representation corresponding to a desired process element and displayed on a display device of the terminal, said representation comprising at least one of a symbol and text that indicates said process element.

3. (Previously Presented) The method according to claim 1 wherein a separate graphic image is provided for each of a plurality of process elements.

4. (Previously Presented) The method according to claim 1 wherein at least some of the process element are illustrated in a same graphic image and a process element whose virtual image can be displayed as a graphic image of its own, is shown in the graphic image in a distinguished manner, said showing comprising one of by circling, by a changed background, by a symbol, and in a corresponding manner.

5. (Previously Presented) The method according to claim 1, wherein the graphic image is a retrieved graphic image which can be displayed with a display device of the terminal in parallel with corresponding information indicating the status of the process, said information being information related to the process element being displayed, in such a way that the information is displayed ready within the retrieved graphic image or the information is otherwise linked to said image in such a way that it can be retrieved.

6. (Previously Presented) The method according to claim 1, wherein the terminal, which comprises a display device and an input device, is portable or wearable and is in a wireless data transmission connection with the process control system.

7. (Previously Presented) The method according to claim 1, wherein the graphic image comprises one or several portions which can be displayed as a separate graphic image of its own, wherein said separate graphic image is at least one of a more detailed view and an image provided with additional data.

8. (Previously Presented) The method according to claim 1, wherein the graphic image is processed when it is displayed, in such a way that a 3-dimensional graphic image is at least one of turnable in different angles of viewing and enlargable.

9. (Canceled)

10. (Currently Amended) A process control system, comprising  
a terminal having a display device and an input device;  
a user interface software connected to the terminal and to a process, wherein the user interface software comprises;

one or more process graphic images diagrams, each comprising symbols or

representations of process elements of a plant where the process to be controlled takes place; and

one or more graphic images each being a virtual image corresponding to a 3-dimensional view of at ~~least~~ least one of the process elements, being dimensionally changeable and showing a model of a real field environment portion of the process elements, wherein the graphic images correspond to respective parts of at least one of said process graphic diagrams; and

wherein the input device is adapted to select a part of a process graphic diagram and the terminal is adapted to visualize a graphic image allotted to a process element of the selected part of the process graphic diagram so as to show the location of the process element in the model of the real field environment portion of the process elements.

11. (Canceled)

12. (Previously Presented) The method according to claim 1 , further comprising the steps of:

displaying on a display device of the terminal at least one of a symbol and text that indicates a desired process element; and

displaying the graphic image by activating, with an input device of the terminal, said one of a symbol and text corresponding to the desired process element.

13. (Canceled)

Appl. No. 09/874,459  
Amtd. dated November 1, 2004  
Reply to Office Action of June 30, 2004

989.1032

14. (Canceled)
15. (Canceled)
16. (Canceled)
17. (Canceled)
18. (Canceled)
19. (Canceled)



### **REMARKS**

This Response is in reply to the Final Office Action mailed on June 30, 2004. Claims 1-8, 10 and 12 are pending in this application. Claims 1 and 10 have been amended. Claims 13-19 have been canceled. No new matter has been added. Entry and consideration of the amendments and following remarks is respectfully requested.

### **35 U.S.C. §112 Rejections**

Claims 1-19 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention. Claims 1 and 10 have been amended to overcome the rejections. Claim 1 was amended to emphasize that the virtual image is a model of a real field environment portion of the process elements, which was already presented in claim 10. Also, claims 1 and 10 have been amended to clarify that the graphic image shows the location of a process element in the model of the real field environment portion of the process elements. Claims 13-19 have been canceled. Therefore, it is respectfully requested that the Examiner withdraw the 35 U.S.C. §112 rejection.

### **Claims Objections**

Claims 13-18 are objected to as being a substantial duplicate thereof of claims 3-8, respectively. Claims 13-19 have been canceled. Therefore, it is respectfully requested that the Examiner withdraw the objection.

### **35 U.S.C. §103 Rejections**

Claims 1-5, 7, 10, and 12 were rejected under 35 U.S.C. §103 (a) as being unpatentable over Brinzer (U.S. Patent 6,031,453) and Takahara et al. (U.S. Patent 5,412,400). These rejections are respectfully traversed.

In Applicant's invention, there is a terminal for displaying a process graphic diagram which illustrates the process to be controlled. The process graphic diagram consists of symbols representing the process elements, for example, pumps, pipes etc. and information about the status of the process. The operator can control the process by monitoring the process graphic diagram. By clicking with the mouse the process elements in the process graphic diagram, the operator can call graphic images of the process elements on the display. The graphic image is a 3-dimensional virtual image. A virtual image is not a real image of the process element, but an artificially produced image formed by software that corresponds to a real image. It also shows a model of the real field environment portion of the process element. Thus, the virtual image is a model of the real field environment portion and it is possible for the operator to see basically everywhere in the created virtual environment. The operator can also "virtually wander" in the process facilities. This helps the operator to get familiar with the process and learn the actual locations of the process elements. This is also very useful for maintenance personnel as the locations of the process elements needing attention can be checked virtually before entering the plant area.

The term "virtual" may be defined as follows: "not physically existing as such but made by software to appear to do so" (The New Oxford Dictionary, 1998). Virtual image is thus not a video

surveillance image provided by a TV-camera. Consequently, if any actual fault is caused in the process elements, e.g. a valve is broken and it is causing water to spray around, it (the water spraying) can not be seen in the virtual image. Another example is a situation where two tanks are connected by a pipe and appear in the same process graphic diagram. The pipe on the display of the process graphic diagram is only 20 millimetres long. When the same tanks and pipe are being brought up as a graphic image, the operator notices that the pipe is 300 metres long.

Brinzer does not teach a graphic image which is a virtual image of the selected part of the process graphic diagram as claimed in the present invention. Instead, Brinzer teaches only a geometric 2-dimensional structure of a control cabinet. Fig. 5 of Brinzer shows only a geometric structure of a control cabinet (col. 2, line 34; col. 4, lines 20-21).

Brinzer discloses a method for monitoring an automation system which is controlling a technical process. In the automation system, there are control cabinets where the circuit elements are attached. Brinzer provides a solution for locating a fault in the automation system, i.e. in the circuit elements in the control cabinet. According to Brinzer, the prior art systems have displays that graphically display the process to be monitored and when a fault in circuit elements occurs, the fault is displayed by showing it's consequences to the process and not the broken component itself nor the location of the fault or the rack or the position of the circuit element in the rack (col. 1, lines 17-37). As a solution to this problem, Brinzer provides a fault message to appear on the display (col. 3, lines 62-67). By clicking the fault message the user calls up the fault display function which is a display of the control cabinet in which the fault has occurred (col. 4, lines 8-13). The display

shows the geometric structure of the control cabinet, which structure is determined from the planning and design data (col. 4 lines 14-21). The module with the fault can be seen in the retrieved structure of a control cabinet by color marking (col. 4 lines 24-35). Thus, Brinzer only suggests to use the system for locating the fault.

The invention of Takahara does not show a model of a real field environment portion of the process element. Also, it is not possible to "wander" in the image. The window displaying method only shows the process element towards which the camera is pointed at the angle the camera is situated.

Takahara discloses a window displaying method for a process control system. For each display, there is a display management area file where the display contents for each display are determined (col. 7, lines 49-68). The purpose is to manage the displays so that they do not cover each other and hinder seeing the other display frames. In the process to be controlled, TV cameras providing real images of the process elements are installed on the site of the plant. They cover the control devices and pick up images of the control devices and the operating state of them (col. 12, lines 27-32). One of the displays in the process control system is a display for inputting the image from a TV camera following the control device from which information is needed. The TV cameras in Takahara thus provide on-line surveillance information of a control device.

Combining the Brinzer and Takahara references would not lead to a solution according to the present invention, but only to a solution where a TV-camera is monitoring a control cabinet with

subracks in a process control system and the TV camera is proving real image information of the control cabinet on-line.

Claim 6 was rejected under 35 U.S.C. §103 (a) as being unpatentable over Brinzer, Takahara and Itoh (EP 0716364). This rejection is respectfully traversed.

Regarding claim 6, Itoh (EP 0716364) shows an operator support system where the display system can be a portable wireless system. Combining Brinzer, Takahara and Itoh would lead to a solution where the TV-camera is monitoring a control cabinet in a process control system and the TV camera is proving real image information of the control cabinet on-line. The real image information could be monitored by a portable display system. This is completely different from the present invention.

Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Brinzer, Takahara and Uchida (EP 0626697). This rejection is respectfully traversed.

Regarding claim 8, the presented Uchida presents a plant monitoring and diagnosing method where a plant structure image can be enlarged. Combining Brinzer, Takahara and Uchida would lead to a solution where TV-camera is monitoring a control cabinet in a process control system and the TV camera is proving real image information of the control cabinet on-line. The real image information could be enlarged for clarifying a certain part of the control cabinet. This is completely different from the present invention.

The Applicant submits that there is absolutely no teaching or suggestion in Brinzer that would lead one to combine the teachings of that reference with Takahara, Itoh or Uchida. None of the references teach or suggest the present invention. As such, absent some motivation, one of ordinary skill in the art would not combine the invention of Brinzer with the teachings of Takahara, Itoh or Uchida. Furthermore, the Applicant submits that even if the references were combined, the result would not be the present invention as discussed above.

Accordingly, the Applicant asserts that amended claim 1 is patentable over the cited prior art. Furthermore, since claims 2-8, 10 and 12 depend from independent claim 1, and for the reasons stated above, these claims are allowable as well. It is therefore respectfully requested that the rejection of the claims under 35 U.S.C. §103(a) be withdrawn.

**Conclusion**

In view of the amendments to the claims 1 and 10 made herein and the arguments presented above, it is submitted that the Examiner's rejections have been overcome and should be withdrawn. The application should now be in condition for allowance.

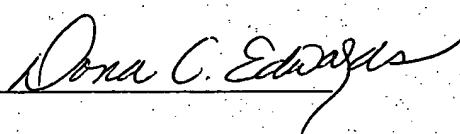
The Applicant notes that there is no indication that the drawings are acceptable. The Applicant respectfully requests that the Examiner provide indication that the drawings are accepted by the Examiner in the next formal communication.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

A petition for a one-month extension of time with the requisite fee is attached herewith. In the event that any other extensions and/or fees are required for the entry of this Amendment, the Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 50-0518 in the name of Steinberg & Raskin, P.C.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,  
STEINBERG & RASKIN, P.C.

By: 

Dona C. Edwards  
Reg. No. 42,507

Steinberg & Raskin, P.C.  
1140 Avenue of the Americas  
New York, New York 10036  
(212) 768-3800

Our Ref.: 989.1032

dce

November 17, 2004

Re: U.S. Patent Application  
Serial No.: 10/874,459  
Applicant: Hannu PAUNONEN  
Assignee: METSO AUTOMATION NETWORKS OY  
Title: A METHOD IN PROCESS CONTROL SYSTEM AND ...

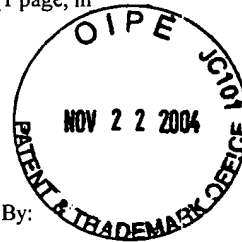
- Request for Continued Examination (RCE) Transmittal with Certificate of Mailing (1 page, in duplicate)
- Petition for an Extension of Time under 37 CFR §1.136(a) (1 page, in duplicate)
- Check No. 6838 for \$1,110.00

Mail Stop RCE

Envelope: First Class Mail

Due Date: November 30, 2004

Checked By:





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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

|                        |                |
|------------------------|----------------|
| Application Number     | 10/874,459     |
| Filing Date            | June 5, 2001   |
| First Named Inventor   | Hannu PAUNONEN |
| Art Unit               | 5801           |
| Examiner Name          | Vu, Kieu D.    |
| Attorney Docket Number | 989.1032       |

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- ii. ☒ Other Amendment filed November 1, 2004
- b. ☐ Enclosed
- i. ☐ Amendment/Reply iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/Declaration(s) iv. ☐ Other \_\_\_\_\_
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 1,110.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)
- WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                     |                        |                                     |                   |
|---------------------|------------------------|-------------------------------------|-------------------|
| Name (Print / Type) | Dona C. Edwards        | Registration No. (Attorney / Agent) | 42,507            |
| Signature           | <i>Dona C. Edwards</i> | Date                                | November 17, 2004 |

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

|                     |                          |      |                   |
|---------------------|--------------------------|------|-------------------|
| Name (Print / Type) | Annette McPherson        | Date | November 17, 2004 |
| Signature           | <i>Annette McPherson</i> |      |                   |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: Vu, Kieu D..

Group Art Unit: 5801

Re: Application of: Hannu PAUNONEN  
Serial No.: 10/874,459  
Filed: June 5, 2001  
For: A METHOD IN A PROCESS CONTROL SYSTEM  
AND A PROCESS CONTROL SYSTEM  
Confirmation No.: 5801

**PETITION FOR AN EXTENSION OF TIME UNDER 37 CFR §1.136(a)**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

November 17, 2004

Dear Sir:

Applicant hereby petitions the Commissioner for Patents to extend the time for filing a response to the Office Action dated June 30, 2004 for two months from September 30, 2004 to November 30, 2004.

A check for a one-month extension of time has already been forwarded. The remaining extension fee of \$320.00 is submitted herewith. The Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 500518. A duplicate copy of this letter is enclosed.

Respectfully submitted,

By:



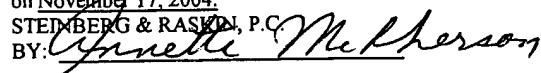
Dona C. Edwards  
Reg. No. 42,507

Steinberg & Raskin, P.C.  
1140 Avenue of the Americas, 15th Floor  
New York, NY 10036-5803  
Telephone: (212) 768-3800  
Facsimile: (212) 382-2124  
E-mail: [sr@steinberggraskin.com](mailto:sr@steinberggraskin.com)

I hereby certify that this correspondence and/or fee is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on November 17, 2004.

STEINBERG &amp; RASKIN, P.C.

BY:





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/874,459   | 06/05/2001  | Hannu Paunonen       | 989.1032            | 5801             |
| 21831  | 7590        | 01/04/2005           | EXAMINER            |                  |
| STEINBERG & RASKIN, P.C.<br>1140 AVENUE OF THE AMERICAS, 15th FLOOR<br>NEW YORK, NY 10036-5803 |             |                      | VU, KIEU D          |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2173                |                  |

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

07 2005

**Advisory Action**

Application No.

09/874,459

Applicant(s)

PAUNONEN, HANNU

Examiner

Kieu D Vu

Art Unit

2173

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-8,10 and 12-19.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

  
JOHN CABECASUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

continue 2a. Regarding claims 1 and 10, the new limitation "show the location of the process element in the model of the real field environment portion of the process elements" has not been presented earlier and would require further search and consideration.

Our Ref.: 989.1032

(dce)

January 13, 2005



U.S. Patent Application

Serial No.: 10/874,459

Applicant: Hannu PAUNONEN

Assignee: METSO AUTOMATION NETWORKS OY

Title: A METHOD IN PROCESS CONTROL SYSTEM AND  
A PROCESS CONTROL SYSTEM

Petition to Accept Paper As Timely Filed with Certificate of Mailing (2 pages); copy of Amendment and Petition for Extension of Time Under 37 CFR 1.136(a) (14 pages); copy of Request for Continued Examination Transmittal and Petition for an Extension of Time under 37 CFR §1.136(a) (2 pages); copy of return-receipt postcard (1 page) and copy of Advisory Action (3 pages).

Mail Stop Petitions

Envelope: First Class Mail

Checked By:

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: Vu, Kieu D.

Group Art Unit: 5801

Re: Application of: Hannu PAUNONEN  
Serial No.: 10/874,459  
Filed: June 5, 2001  
For: A METHOD IN A PROCESS CONTROL  
SYSTEM AND A PROCESS CONTROL  
SYSTEM  
Confirmation No.: 5801

**PETITION TO ACCEPT PAPER AS TIMELY FILED**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

January 13, 2005

Dear Sir:

Applicant hereby requests that the Request for Continued Examination ("RCE") submitted in connection with the above-identified patent application be accepted as timely filed and entered into the records of the U.S. Patent and Trademark Office ("PTO").

The facts are as follows. On November 1, 2004, an Amendment, together with a petition for a one-month extension of time were filed with the PTO, extending the deadline to file a response to the Office Action to October 30, 2004, which was a Saturday, thereby extending the date to November 1, 2004. A copy of the Amendment and Petition as filed are enclosed herewith for your reference.

Further, on November 17, 2004, an RCE, together with a petition for a two-month extension of time were filed with the PTO in connection with the Amendment, further extending the deadline to file a response to the Office Action to November 30, 2004. A copy of the RCE and Petition as filed, along with a copy of the return-receipt postcard submitted with the RCE setting forth the

I hereby certify that this correspondence and/or fee is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on January 13, 2005.

STEINBERG &amp; RASKIN, P.C.

BY: 

November 17, 2004 mailing date and stamped by the PTO with a November 22, 2004 received date are enclosed herewith for your reference.

Since the RCE was not processed by the PTO, an Advisory Action was issued by the PTO on January 4, 2005 rejecting the Amendment. A copy of the Advisory Action is enclosed herewith for your reference.

In view of the foregoing facts, it is respectfully requested that the RCE be accepted by the PTO as timely filed and that the Advisory Action be dismissed.

Kindly telephone the undersigned if any additional information or materials are required. Please return the enclosed postcard to indicate your receipt of the above-referenced materials.

It is believed that a fee is not required with this communication. However, in the event that a fee is required, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 500518.

Respectfully submitted,

By: *Dona C. Edwards*  
Dona C. Edwards  
Reg. No. 42,507

Steinberg & Raskin, P.C.  
1140 Avenue of the Americas, 15th Floor  
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E-mail: [pto@steinberggraskin.com](mailto:pto@steinberggraskin.com)

DCE:jc

Encls.

cc: Martin G. Raskin, Esq. (w/o encls.)